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	09/611,521	07/08/2000	/2000 Frank Dean LIDO:003		9294
	7590 09/04/2002				
	Karen B Tripp		EXAMINER		
	Attorney at Law P.O. Box 1301	V	TRUONG, DUC		
Houston, TX 77251-1301				ART UNIT	PAPER NUMBER
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				DATE MAILED: 09/04/2002	17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner Due Truong 1711 Art Unit Due Truong 1711 AshortENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION. THE MALING DATE of this communication. 1810 period for play periodical advance the serviciens of 37 PFR 1.136(s), in or event, however, may a reply be timely filed after 5x (x) MONTHS from the malling date of this communication. 1810 period for play periodical date in the serviciens of 37 PFR 1.136(s), in or event, however, may a reply be timely filed after 5x (x) MONTHS from the malling date of this communication. 1810 period for gray periodical date in the servicine of 37 PFR 1.136(s), in or event, however, may a reply be timely filed after 5x (x) MONTHS from the malling date of this communication. 1810 period for gray periodic date in the servicine date of the consideration of the service			Application N	o.	pplicant(s)	1.0					
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* Application/Control Number: 09/611,521

Art Unit: 1711

The rejection made over the Specification in the use of original formulas and in the use of the term "may be " have been withdrawn in view of Applicant's amendment.

Applicant's arguments filed 8/12/02 have been fully considered but they are not persuasive. The amendment submitted by Applicant does not overcome the rejection made by Examiner in the last Office action.

The specification is objected to under 37 CFR 1.71 because failing to provide an adequate written description of the invention, as disclosed on page 15, line 10, line 12 and elsewhere in the specification, Me can not be defined as an alkali metal since Me(OH) is methanol and the methyl group does not belong to the alkali metal group. Claims 15 and 23 are rejected under 35 U.S.C.112, first paragraph, for the reasons set forth in the objection to the Specification and for the following reasons:

While it is established that Applicant can be his own lexicographer, that is provided that the definitions are not in derogation of the known usage or are already recognized, as in the instant case, MeOH is well known in the art as methanol.

Claims 1,6-11,15,19,23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over CA 2,285,308.

The rejection is maintained for the reasons as stated in the last Office action and for the following reasons:

Applicant's arguments are based on different steps of the processes to form a different product, a chelating composition comprising a modified iminodisuccinic acid, or a salt thereof.

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Note that claim 1 is the claimed composition requiring variety of formulas in that specific steps have not been claimed. This composition has been produced by the claimed method 6, 11, 15, 19, 23 and 27. That means any references using any claimed methods and the same conditions inherently has the claimed formulas and can be used in a chelating composition.

The CA 2,285,308 reference does disclose the required reactants and the steps

of the process, as in claimed method 19. Therefore, the claimed formula must be

considered inherent in the prior art unless Applicant provides evidence that they are

different.

Applicant argues that the reference produces isomers of iminodisuccinate which is differed from the claimed products. Note that the reference does disclose the required reactants and the steps of the claim 19. Therefore, the products must be inherently the same. Further, this is the salt form of a modified iminodisuccinimic acid, as in claim 1.

Applicant's arguments based on the chelated ion has been fully considered but they are not persuasive since they are not commensurate in scope with the claims.

The specification is objected to under 35 U.S.C. 112, first paragraph, as the specification, as originally filed, does not provide support for the invention as now claimed, in the use of M/OH), as disclosed in the amended claims 11 and 19, and is not defined.

Claims 11 and 19 are rejected to under 35 U.S.C112, first paragraph, for the reasons set forth in the objection to the specification.

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While applicant may be his or her own lexicographer, a term in a claim may not be given a meaning repugnant to the usual meaning of that term. See *In re Hill*, 161 F.2d 367, 73 USPQ 482 (CCPA 1947). The term "polyfunctional amine and second polyfunctional amine" in claim 8 is used by the claim to mean "ethanol amine and NH3," while the accepted meaning is "more than one amino group."

Claims 6, 9, 11, 15 and 19 are also confused by the definition in claim 8.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Truong whose telephone number is 703-308-2437. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 703-308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9791 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

DT

September 3, 2002

DUCTRUONG PRIMARY EXAMINER

Je ThuoM